

HOUSE BILL 907

By Gillespie

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-104, is amended by deleting the word "Any" at the beginning of subsection (a) and substituting the language "Except as provided in subsection (c), any", and adding the following as a new subsection:

(c) Notwithstanding § 40-11-105 or another law to the contrary, only a judge of the circuit or criminal court may release a defendant who has been charged with a capital offense on the defendant's own recognizance pursuant to § 40-11-115 or § 40-11-116 or admit the defendant to bail pursuant to § 40-11-117 or § 40-11-122 at any time prior to or at the time the defendant is bound over to the grand jury. If a judge orders the release of a defendant who has been charged with a capital offense on the defendant's own recognizance or admission of the defendant to bail under this subsection (c), the judge shall make specific findings of fact, on the record, as to the basis for such order.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.